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February 24, 2023

VIA ECF

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In re Terrorist Attacks of September 11, 2001*, 03 MDL 1570 (S.D.N.Y.) (GBD) (SN)

Dear Judge Netburn:

Dubai Islamic Bank (“DIB”) and the Plaintiffs Executive Committees (“Plaintiffs”) are in agreement that the Court should grant DIB’s letter motion filed on February 23, 2023 to permit limited, expedited expert discovery. MDL ECF 8874 (DIB’s agreed letter motion).

DIB does not wish to occupy more of this Court’s attention than necessary, but it writes to briefly address today’s letter from Plaintiffs seeking to make “clarif[ications]” of the record “concerning Plaintiffs’ position about DIB’s request.” MDL ECF 8875. First, DIB does not seek to “supplement” or correct earlier expert reports. Those reports remain neither “incomplete [n]or incorrect.” Fed. R. Civ. P. 26(e)(1)(A). The agreed motion seeks only limited additional expert discovery on new materials—the CIA and FBI documents released pursuant to Executive Order 14040 (the “Declassified Files”), and Mr. Winer’s “supplementary report”—which could not have been addressed in earlier expert reports.

Second, DIB had hoped that new expert work would be unnecessary (which it still may be) if the Court grants DIB’s pending motion for summary judgment on personal jurisdiction. DIB previously argued that the new Declassified Files are inadmissible and Mr. Winer’s “supplementary report” should be struck, and that its personal jurisdiction motion should be granted in any event. As time progressed without resolution of these issues, however, DIB contacted Plaintiffs to see if the parties could agree on an approach that minimized costs and delay while allowing DIB a fair chance to have experts address these new issues. After discussion, the parties reached an agreement to move forward with limited additional expert discovery now.

DIB thanks the Court for its attention to this matter and respectfully requests that the Court grant the agreed letter motion filed on February 23, 2023.

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Sincerely,

/s/ Steven T. Cottreau

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